

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ADELE STUKES, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:13-cv-019841

JOHNSON & JOHNSON, et al.,

Defendants.

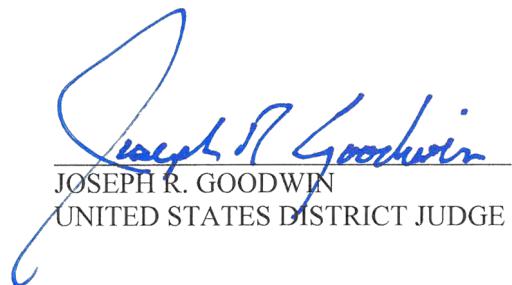
MEMORANDUM OPINION AND ORDER

Pending is Defendant C. R. Bard, Inc.'s Motion to Dismiss for Insufficient Service of Process, filed December 20, 2018. [ECF No. 31]. Defendant C. R. Bard, Inc. ("Bard") asserts that in addition to the failure to serve, plaintiffs have not complied with various discovery obligations, making dismissal with prejudice appropriate. Plaintiffs have not responded to the motion.

For reasons appearing to the court, the court finds that plaintiffs' claims against Bard should be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to timely serve Bard. The court **ORDERS** that the Defendant C. R. Bard, Inc.'s Motion to Dismiss for Insufficient Service of Process [ECF No. 31] is **GRANTED** to the extent Bard seeks dismissal for failure to serve and is otherwise **DENIED**. The court **ORDERS** that Bard is dismissed from this case without prejudice. Other unserved defendants remain.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 26, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE